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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/957,431	10/24/1997	JOHN E. HOLLAND	378111	2082

7590 01/07/2003

RHODES COATS BENNETT, L.L.P.
P O BOX 2974
GREENSBORO, NC 27402

EXAMINER

GALLAGHER, JOHN J

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 01/07/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/957431

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 25 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 25 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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1. Applicants' Preliminary Amendment, filed 23 December 2002, has been received and made of record.

2. Claim 25 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the word "being" should be inserted before "selected" in lines 3 and 8 of the claim.

3. Claim 25 is further rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically (a) the numeral "350" in line 5 of the claim should apparently read EITHER "360" (consistent with Example 9 at pages 10-11 of applicants' specification) OR "650" (consistent with e.g. Example 2 at pages 8-9); and (b) there is seen to be no apparent concrete support for the term "air and moisture impervious" (defining a fabric characteristic or property) in the last line of the claim, the closest such disclosure being seen to be found at page 1 lines 13-15, page 2 lines 8-10 and page 5 lines 29-30. This could be considered to be a new matter rejection; further along this line, however, N.B. paragraph 25 of Corometrics v. Berkeley 193 USPQ 467.

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4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 25 is still further rejected under 35 U.S.C. § 103(a) as being unpatentable over Yagi et al.

Yagi et al. disclose that it is known to form a composite laminate article (e.g. fabric) via a process wherein a fabric (woven, non-woven, knitted etc.) ~~is~~ made up of UHMWPE fiber ^{is} laminated/bonded to a thermoplastic (e.g. low or high density polyethylene) fiber in a suitable heat and pressure lamination process i.e. by employing appropriate process variables or conditions (viz. P, T, t) to satisfactorily effect the aforementioned lamination. (Figs. 6-7, Abstract, column 5 lines 34-62, N.B. column 10 lines 53-68, column 11 lines 1-57, column 14 line 23 thru column 15 line 5, N.B. column 16 lines 9-11 and 39-40). Further regarding this rejection, the following are additionally advanced: (a) The use by these patentees of the same fibrous film materials as those employed by applicants (as well as the (non-limited) process conditions which effect

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satisfactory lamination, and which foregoing is also applicants' avowed aim and rationale) is seen to ensure that the desired properties envisioned by applicants (e.g./viz. cut and puncture resistance, general imperviousness etc.) are effected and achieved; and (b) these patentees are seen to fairly and clearly disclose and provide for the production of a "molded body" composed of (but) a single layer structure of reinforcing fiber (e.g. woven, non-woven or knitted fabric) layer (N.B. column 5 lines 41-43 and 56-62) LAMINATED TO (as in ALTERNATIVE to being embedded in - N.B. e.g. column 5 lines 38-40 and also the Abstract) a preformed film (i.e. a relatively THIN layer) of thermoplastic resin in a heat and pressure laminating or bonding process wherein the resin is rendered molten (N.B. column 14 lines 41-47) i.e. a body or article which is held to constitute (although not termed or characterized as such by these patentees) a laminated and/or reinforced (flexible) fabric, although further along this line, N.B. column 16 lines 9-11. All of the foregoing notwithstanding, however, it is AGAIN noted that Yagi et al. are directed to and fairly disclose ONLY the use of UHMWPE fibers for their reinforcing fiber layer and do not fairly document the use of aramid fiber (definitely) or "extended chain polyethylene" (apparently) in this capacity (although UHMWPE would seemingly most certainly indeed be encompassed within the scope and

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definition and/or metes and bonds of the term "extended chain of ethylene").

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The fax phone number for this Group is (703) ⁸⁷²⁻⁹³¹⁰ ~~305-3599~~.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661/0662.


JJGallagher:cdc

January 2, 2003


JOHN J. GALLAGHER
PRIMARY EXAMINER
ART UNIT 131 / 733